

#### Office of Environment, Safety and Health

# Consent Order 2005-01 Agreement between DOE & BHI

Les Bermudez
Enforcement Specialist
Office of Price-Anderson Enforcement





#### Consent Order 2005-01

Hazard identification and personnel exposure at 618-2 historical burial site

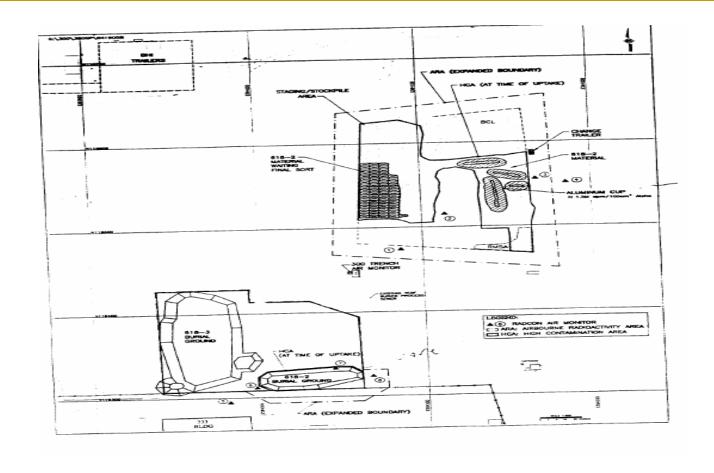
- ➤ Discovery of combination safe December 14, 2004
- ➤ Potential intake during investigative surveys December 16, 2004





#### Consent Order 2005-01

Layout of the 618-2 Burial Ground Excavation & Soils Staging/Stockpile Areas







# Consent Order 2005-01 Discover of a Combination Safe

- > Metal safe unearthed during excavation activities
- > Small quantities of containerized liquid inside the safe
- Work stopped –ASA did not address liquids
- > Identification of pure plutonium > one gram quantity





# Consent Order 2005-01 Potential Intake during Investigative Surveys

- > Two RCTs conducting survey activity at a soil staging/ stockpile area to determine source of elevated lapel air samples from a laborer
- > Beta-gamma monitoring performed; plutonium in separate form not expected
- > Alpha contamination found in change trailer used by RCTs
- Am-241 and Pu-239 identified
- > RCTs underwent bioassay testing doses < 50 mrem





- ➤ EGS 03-01, July 21, 2003 Supplemental Guidance concerning the Factual Bases for Issuing Consent Orders pursuant to 10 CFR 820.23
- Who initiates the Process?
  - Letter from OE to contractor formally opening an investigation
  - Letter from contractor to OE requesting consideration for a consent order – "The Sooner the Better"





#### What OE will consider/review:

- Consent Order request with supporting documentation
- Strong/proactive nuclear safety performance history
  - PAAA Program Reviews
  - Enforcement History
  - NTS Reporting
  - ORPS Reporting
  - Nuclear Safety Performance Indicators
  - Investigation by the Contractor





#### What OE will consider/review (cont'd):

- Comprehensive Corrective Actions
- Input form local DOE Office/Assessments
- External Assessments: oversight reviews from EH; OA assessments
- Input from HQ Program Office





- ➤ Letter from OE to Contractor issuing/transmitting Consent Order or rejecting the request:
  - Results of the review of the Consent Order request and supporting documentation
  - Expectations and continuing implementation of corrective actions and controls
  - Consent Order issued in lieu of NOV with civil penalties
  - Agreed-upon monetary settlement
  - Consent Order signed by both DOE and contractor
  - No Press Releases

